HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27451 of 2007

Dated 24th December, 2007

Between

Challa Sammakka

…Petitioner

and

The Special Deputy Collector (TW), Bhadrachalam, Khammam District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27451 of 2007

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the second respondent in not passing orders on the stay application in the appeal filed by her against the order of eviction dated 17-8-2007 in LTR Case No.114/2007/KGM passed by the Special Deputy Collector (TW), Bhadrachalam, Khammam District, as illegal and arbitrary.

The petitioner claims to be the owner and possessor of the land admeasuring Ac.1.03 guntas covered by Sy.No. 57/1,2,3,4,5/A/3 of Chunchupalli village in Kothagudem Mandal of Khammam District, having purchased the same from its previous owner, by name, Bhukya Ramulu, by registered sale deed dated 22-6-1967. It is stated that the Special Deputy Collector, Tribal Welfare, Bhadrachalam, first

respondent herein, initiated proceedings against the petitioner under the

A.P. Scheduled Areas Land Transfer Regulation 1/1959, as amended by Regulation 1/1970 and passed order of eviction dated 17-8-2007 in LTR Case No. 114/2007/KGM.

The grievance of the petitioner is that though she has filed statutory appeal on 17-11-2007 before the Additional Agent to the Government, (Project Officer, ITDA), Bhadrachalam, along with an application for grant of interim order, no orders have been passed, and, on the other hand, the respondents are taking steps for eviction. Hence, the petitioner has approached this Court.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Whether the purchase of the subject land by the petitioner is in contravention of the A.P. Scheduled Areas Land Transfer Regulation 1/ 1959, as amended by Regulation 1/1970 or not, is a matter which is required to be considered by the appellate authority. In view of the pendency of the appeal, it is not desirable to go into merits of the case and record any finding on the said transaction at this stage. As much as, it is stated that the petitioner purchased the subject land in the year 1967 by registered sale deed, and, further, the appeal filed by him before the appellate authority is pending consideration, and the said appellate authority has not exercised jurisdiction vested in it by not passing any order on the application for grant of interim order, I deem it appropriate to dispose of the writ petition directing the second respondent/appellate authority to dispose of the appeal itself as expeditiously as possible. Further, there shall be a direction to the

respondents not to enforce the order of eviction dated 17-8-2007 till the disposal of the appeal and allow the petitioner to be in possession of the land in question.

Subject to the above direction, the Writ Petition is disposed of at the admission stage. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 24-12-2007.
Msnr.